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EXAMINER

WARD, JOHN A

ART UNIT PAPER NUMBER

2885

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/15/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/826,047

Applicant(s)

FOGG ET AL.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,10,11,23,24,28,34-36,40,49-51,54,62 and 63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,12-22,25-27,29-33,37-39,41-48,52,53,55-61 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 20061030
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "front opening" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

Art Unit: 2885

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1- 5, 8-9 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam et al in view of Blank (US 7,008,090).

Regarding claim 1, Lynam et al ('775) discloses a light module for interior view of a mirror assembly having a mounting bracket 12, a mirror housing 16, a reflective element 14, a light source 20, a reflector 26 reflecting light in a first and second direction (figure 6).

Regarding claim 3, figure 1 shows how the mirror housing has a bottom opening.

Regarding claim 9, the mirror housing has a lens 28 at the bottom opening.

Regarding claim 12, the light source 20 is a light emitting diode (column 6, lines 29-30).

Art Unit: 2885

Regarding claims 1, 2, 4, 5 and 13-16 Lynam et al does not disclose a reflective element having a deviator being that of a fiber optic, it is known in the art to use a light pipe to direct light in a specified area.

Regarding claims 1, 4, 5 and 8, Blank ('090) discloses a mirror system with light conducting member having a mounting bracket 231, a mirror housing 222, a mirror 210, a deviator or light pipe 250, 254 and 256.

Regarding claim 2, Blank shows a rear housing section and a bezel (figure 1).

Regarding claim 13, Blank shows a carrier plate 291 and a printed circuit board 221.

Regarding claims 14-16 Lynam et al or Blank disclose the reflectance value or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a reflectance value of 70 percent or greater and a beam axis within about 45° relative to the second directive, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller USPQ 233*.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the mirror of Lynam et al with the mirror of Blank in order to provide a rearview mirror that can illuminate around the rearview mirror as taught by Lynam et al (column 1, lines 13-17).

Art Unit: 2885

Claims 17-22 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam et al in view of Blank.

Regarding claim 17, Lynam et al ('775) discloses a light module for interior view of a mirror assembly having a mounting bracket 12, a mirror housing 16, a reflective element 14, a light source 20, a reflector 26 reflecting light in a first and second direction (figure 6).

Regarding claims 26 and 27, the mirror housing has a lens 28 at the bottom opening.

Regarding claim 29, the light source 20 is a light emitting diode (column 6, lines 29-30).

Regarding claims 17- 21, 22, 25, 30 and 31 Lynam et al does not disclose a reflective element having a deviator being that of a fiber optic, it is known in the art to use a light pipe to direct light in a specified area.

Regarding claims 17, 18, 22 and 25, Blank ('090) discloses a mirror system with light conducting member having a mounting bracket 231, a mirror housing 222, a mirror 210, a deviator or light pipe 250, 254 and 256 a front opening 257.

Regarding claim 21, Blank shows a rear housing section and a bezel (figure 1).

Regarding claim 30, Blank shows a carrier plate 291 and a printed circuit board 221.

Regarding claims 19, 20, 30 and 31 Lynam et al or Blank does not disclose the material elements of the reflector or how the beam axis is angled.

Art Unit: 2885

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45% relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller USPQ 233*.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the mirror of Lynam et al with the mirror of Blank in order to provide a rearview mirror that can illuminate around the rearview mirror as taught by Lynam et al (column 1, lines 13-17).

Claims 32-33 and 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam et al in view of Blank.

Regarding claim 32, Lynam et al ('775) discloses a light module for interior view of a mirror assembly having a mounting bracket 12, a mirror housing 16, a reflective element 14, a light source 20, a reflector 26 reflecting light in a first and second direction (figure 6).

Regarding claim 38, figure 1 shows how the mirror housing has a bottom opening.

Regarding claim 39, the mirror housing has a lens 28 at the bottom opening.

Regarding claim 41, the light source 20 is a light emitting diode (column 6, lines 29-30).

Art Unit: 2885

Regarding claims 32, 33 and 42-45, Lynam et al does not disclose a reflective element having a deviator being that of a fiber optic, it is known in the art to use a light pipe to direct light in a specified area.

Regarding claims 32, 37, and 42-45, Blank ('090) discloses a mirror system with light conducting member having a mounting bracket 231, a mirror housing 222, a mirror 210, a deviator or light pipe 250, 254 and 256 a front opening 257.

Regarding claim 33, Blank shows a rear housing section and a bezel (figure 1).

Regarding claim 42, Blank shows a carrier plate 291 and a printed circuit board 221.

Regarding claims 43-45 Lynam et al or Blank disclose the material elements of the reflector or how the beam axis is angled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45° relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller USPQ 233.*

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the mirror of Lynam et al with the mirror of Blank in order to provide a rearview mirror that can illuminate around the rearview mirror as taught by Lynam et al (column 1, lines 13-17).

Art Unit: 2885

Claims 46-48 and 50-61 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam et al in view of Blank.

Regarding claim 46, Lynam et al ('775) discloses a light module for interior view of a mirror assembly having a mounting bracket 12, a mirror housing 16, a reflective element 14, a light source 20, a reflector 26 reflecting light in a first and second direction (figure 6).

Regarding claim 52, figure 1 shows how the mirror housing has a bottom opening.

Regarding claim 53, the mirror housing has a lens 28 at the bottom opening.

Regarding claim 46, the light source 20 is a light emitting diode (column 6, lines 29-30).

Regarding claims 46, 55, 56, Lynam et al does not disclose a reflective element having a deviator being that of a fiber optic, it is known in the art to use a light pipe to direct light in a specified area.

Regarding claims 46, 47, 48, 57, 58, 61 and 64 Blank ('090) discloses a mirror system with light conducting member having a mounting bracket 231, a mirror housing 222, a mirror 210, a deviator or light pipe 250, 254 and 256 a front opening 257.

Regarding claim 54, Blank shows a rear housing section and a bezel (figure 1).

Regarding claims 46 and 55, Blank shows a carrier plate 291 and a printed circuit board 221.

Regarding claims 56, 59 and 60 Lynam et al or Blank disclose the material elements of the reflector or how the beam axis is angled.

Art Unit: 2885

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a beam axis within about 45% relative to the second directive, a reflectance of 70%, or the structural make up of the reflector elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller USPQ 233.*

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the mirror of Lynam et al with the mirror of Blank in order to provide a rearview mirror that can illuminate around the rearview mirror as taught by Lynam et al (column 1, lines 13-17).

Election/Restrictions

This application contains claims 6, 7, 23, 24, 35, 36, 40, 49, 50, 51, 54, 62 and 63 drawn to an invention nonelected with traverse in Paper No. August 23, 2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Arguments

Applicant's arguments, see pages 12-20, filed August 23, 2006, with respect to the rejection(s) of claim(s) elected claims under 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon

Art Unit: 2885


further consideration, a new ground(s) of rejection is made in view of Lynam et al in view of Blank.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAW
February 6, 2007


JOHN ANTHONY WARD
PRIMARY EXAMINER